

REMARKS

Claims 1-43 were pending in this application, with claims 1, 2, 10, 11, 13-20, 24-38 and 43 being withdrawn from consideration as being directed to a non-elected invention and/or species. By way of this amendment and reply to the Office Action mailed May 7, 2003, claims 3, 5, 6, 8, 12, 22, 39, 41 and 42 have been amended (the amendments made to claims 3 and 22 have not narrowed the scope of those claims), claim 40 has been canceled, and new claims 44-54 have been added. Therefore, claims 3-9, 12, 21-23, 39, 41, 42 and 44-54 are presently pending for consideration on the merits.

First, please note that new claims 44-54 are directed to Group 1, Species 2.

Applicant appreciates the fact that claims 5, 6 and 12 are not rejected over any art of record.

Specification Objections:

In numbered paragraph 3) of the Office Action, the specification was objected to because the phrase "connecting element" in claims 5 and 6 was not described in the specification, and the phrase "affixing element" recited in claims 8, 9 and 12 was not described in the specification. By way of this amendment and reply, the specification has been amended to include a new paragraph 0112A which refers to a connecting element shown in Figures 22-25. No new matter has been added. Also, the specification has been amended in several places to refer to an "affixing element." Again, no new matter has been added.

Indefinite Rejections of Claims:

In numbered paragraph 4) of the Office Action, claims 5 and 6 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In reply, claims 5 and 6 have been amended to more clearly recite the "connecting element" feature, as clearly seen in Figures 22-25 of the drawings. As stated above, it is noted with appreciation that claims 5 and 6 were not rejected over any art of record.

In numbered paragraph 5) of the Office Action, claims 8, 9 and 12 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In reply, claim 8 has been amended to overcome this rejection. Therefore, presently pending claims 8, 9 and 12 are not indefinite.

In numbered paragraph 6) of the Office Action, claim 12 was rejected under 35 U.S.C. §112, second paragraph, due to "the elastic band" limitation not having antecedent basis. In reply, claim 12 has been amended to change "elastic band" to "affixing element", which has clear antecedent basis.

In numbered paragraph 7) of the Office Action, claims 40 and 41 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite, due to the multiple use of "object" in these claims. In reply, claim 39 has been amended to include the features of now-canceled claim 40 (along with other features), whereby those features have been rewritten to overcome any possible indefiniteness issue. Claim 41 has also been amended accordingly.

In numbered paragraph 8) of the Office Action, claims 37 and 42 were rejected under 35 U.S.C. §112, second paragraph, due to the improper use of the trademark COMMAND STRIP. In reply, it is noted that claim 37 is a withdrawn from issuance claim, and thus that claim has not been amended. However, claim 42 has been amended to generically refer to the structure of a COMMAND STRIP, as a double-sided releasable adhesive tape with a non-adhesive tab portion.

Prior Art Rejection of Claims 3, 4 and 7:

In numbered paragraph 10) of the Office Action, claims 3-4 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over the normal usage of "Velcro" in view of U.S. Patent No. 5,896,592 to Santa Cruz, U.S. Patent No. 5,004,144 to Selga, and U.S. Patent No. 5,123,139 to Leppert. This rejection is traversed with respect to presently pending claims 3, 4 and 7, for at least the reasons given below.

The Office Action asserts that there exist well known methods of attaching Velcro that include a double-sided sticky foam tape that is analogous to Applicant's claimed backer/stabilizer.

This assertion is incorrect, since a double-sided sticky foam tape does not correspond in any way, shape or form to a backer/stabilizer described in the specification and recited in the claims. In more detail, the claimed backer/stabilizer is a rigid or semi-rigid element, as explained in paragraph [0066] of the specification. In this regard, the backer/stabilizer has a sufficient amount of rigidity in order to provide stability and backing to an object that is to be releasably attached to another object. A floppy foam adhesive tape clearly does not meet these features. For example, one can readily change the size and shape characteristics of a foam adhesive tape by rolling the foam adhesive tape on ones' fingertips. The claimed backer/stabilizer has a much more sturdy construction, and can only be bent or shaped differently with a reasonable amount of effort on the part of a user. For example, a backer/stabilizer may be implemented as a plastic "credit card size" component, as described on page 14 of the specification.

Since none of the other cited art of record makes up for the deficiencies of the Examiner's contention concerning a foam portion of a sticky tape as corresponding to the claimed backer/stabilizer, claims 3, 4 and 7 are patentable over the cited art of record.

Additionally, with respect to claim 4, the Office Action contends that Santa Cruz, Selga or Leppert teach different ways of attaching an attachment means, such as by sewing, gluing, or foam adhesive. However, please note that claim 4 recites that the "means for attaching" includes at least one of stapling, gluing, sewing, tying and taping the backer/stabilizer to the first object. (emphasis added) Thus, in claim 4, it is not the attachment means that is being attached to the first object, but rather it is the backer/stabilizer itself that is being attached to the first object. In other words, why would someone want to sew or glue a foam portion of an adhesive strip, which the Office Action contends is a backer/stabilizer, to another object? Applicant submits that one would have no motivation to do this, since it would serve no purpose. Also, the foam portion of an adhesive tape is not nearly rigid enough to allow one to do this, even if one had some strange reason to do this.

Also, with respect to claim 7, it is clear that the elements recited in this claim are much sturdier than a 'foam adhesive tape' that the Examiner contends corresponds to the claimed 'backer/stabilizer.' Therefore, this claim is patentable for this additional reason.

Prior Art Rejection of Claim 8, 9 and 21:

In numbered paragraph 11) of the Office Action, claims 8, 9 and 21 were rejected as being obvious over U.S. Patent No. 2,424,762 to Loeb in view of U.S. Patent No. 4,993,783 to Omholt and U.S. Patent No. 5,123,139 to Leppert. This rejection is traversed with respect to presently pending claims 8, 9 and 21, for at least the reasons given below.

Loeb discloses a card (presumably fairly rigid) 11 that is used to hold a display element, such as a barrel bolt 10, as seen in the figures of Loeb. In Loeb, the wire 12 is twisted to form an endless circle (an endless elongated band of wire), and the looped ends fit through slots and are folded back to secure the lock to the display card 11.

Presently pending claim 8, however, recites that the first and second ends of the affixing element are fitted through the first opening of the backer/stabilizer, and that the first and second ends of the affixing element are coupled together to provide a coupling of the first object to the backer/stabilizer.

Thus, even if one assumes for argument sake that Loeb's card 11 corresponds to a backer/stabilizer (which Applicant submits is not the case, since the card 11 is not used to provide backing for or to stabilize the bolt 10, but rather it provides a means to display the bolt 10 in a department store, for instance), the ends of Loeb's wire 12 are coupled together at the front of the card 11, and thus the ends of the wire 12 do not pass through any openings on the card 11.

Loeb's way of adhering a wire 12 to a card 11 may cause the device being held in place on the card 11 to fall off the card 11 if the looped ends of the wire 12 (which are fitted through slots on the card 11) are not sturdy enough or long enough. The present invention according to claim 8, on the other hand, provides for a much more secure coupling of the affixing element to the backer/stabilizer.

Since Loeb does not meet all of the limitations of claim 8, and since none of the other cited art of record makes up for the above-mentioned deficiencies of Loeb, claim 8 is patentable over the cited art of record.

Similarly, the 'backer/stabilizer' feature of claim 21 is not disclosed in Loeb or in any of the other cited art of record, and thus claim 21 is patentable over the cited art of record.

Prior Art Rejection of Claims 22 and 23:

In numbered paragraph 12) of the Office Action, claims 22 and 23 were rejected as being unpatentable over Loeb, Omholt and Leppert, and further in view of Santa Cruz and Selga. This rejection is traversed for at least the reasons given below.

With respect to the rejection of claims 22 and 23, as discussed above with respect to claim 8, Santa Cruz and Selga describe sewing or adhesive taping a Velcro pad to an object, but this is clearly different from sewing or adhesive taping a backer/stabilizer to another object. In particular, why would someone be motivated to sew or adhesive tape Loeb's display card 11 to another object, since that device would already be releasably coupled to another object by way of Omholt's Velcro pad and thus the sewing or adhesive taping would defeat the purposes behind the use of Velcro pads? Applicant submits that one of ordinary skill in the art would not be motivated to do so, since the present invention and the cited art of record are directed to different purposes.

Accordingly, claims 22 and 23 are patentable over the cited art of record.

Prior Art Rejection of Claims 39-42:

In numbered paragraph 13) of the Office Action, claims 39-42 were rejected as being unpatentable over the basic definition of Velcro in view of U.S. Patent No. 5,123,139 to Leppert. This rejection is traversed with respect to presently pending claims 39, 41 and 42, for at least the reasons given below.

Claim 39 has been amended to include the features of now-canceled claim 40 as well as other features, in which a first object is releasably attached to a second object by way of a releasable attachment/deattachment unit that allows for detaching without causing damage to the first and second objects.

In Leppert, column 3, lines 24-27 describes the use of 3M Brand No. 45-NF clear foam adhesive to adhere a Velcro pad to a surface of a drill. There is no teaching or suggestion in Leppert that the 3M Brand No. 45-NF clear foam adhesive is a releasable attachment unit, and by the normal definition of "adhesive" it is submitted that damage would be done to Leppert drill if the Velcro pad was pulled off of the drill after it had been adhered to the drill by way of the 3M Brand No. 45-NF clean foam adhesive. A releasable adhesive, such as recited in claim 39, would not cause such damage to items that it is adhered to.

Accordingly, since none of the other cited art of record makes up for the above-mentioned deficiencies of Leppert, claims 39 and 41-42 are patentable over the cited art of record.

New Claims 44-54:

New claims 44-54 have been added, and recite features of the elected group and elected species of the present invention that are not believed to be disclosed, taught or suggested by any of the cited art of record, alone or in combination.

New claim 44, which depends from claim 8, recites that the first and second ends of the affixing element are coupled together in a region between the second surface of the backer/stabilizer and the back side of the first releasably attachable unit.

By such a construction as recited in new claim 44, the affixing element is firmly coupled to the backer/stabilizer by having the ends of the affixing element "sandwiched in place", and such a construction is not contemplated in the teachings of Loeb or in any of the other cited art of record.

New claim 45, which depends from claim 12, recites a feature of the channel portion (see label 1930 in Figure 20 of the drawings) for holding the ends of the affixing unit in place. Such a feature is not disclosed, taught or suggested by any of the cited art of record.

New claim 46 depends from claim 44, and recites that the first and second ends are not visible when the attachment device is viewed by a viewer facing the first surface of the backer/stabilizer.

The features recited in claim 46 are not disclosed or suggested by Loeb, since Loeb has the ends of the wire 12 tied together at the front (viewable) side of the display card. Further, none of the other cited art of record discloses or suggests the features recited in claim 46.

New independent claim 47 recites steps in a method for releasably attaching a first object to a second object, and then later on to a third object. Such steps are not believed to be disclosed, taught or suggested by the cited art of record.

New dependent claims 48 and 49 depend from claim 47, and recite additional features of the first and second releasable adhering units.

New dependent claim 50 depends from claim 8, and recites features of a backer/stabilizer that is integrally with an affixing element by melting the backer/stabilizer while fitting the affixing element to the backer/stabilizer. This feature is explained in paragraph 0014 of the specification, and is not believed to be disclosed, taught or suggested by the cited art of record.

New dependent claim 51 depends from claim 21, and recites similar features to those recited in claim 50, discussed above, but whereby those features are expressed as steps in a method. Such steps are not believed to be disclosed, taught or suggested by the cited art of record.

New dependent claim 52 recites different elements that the affixing element may correspond to. Support for this claim may also be found in paragraph 0014 of the specification.

Lastly, new claims 53 and 54 have been added to recite other features of the present invention that are not believed to be disclosed, taught or suggested by the cited art of record. For example, claim 53 recites a backer/stabilizer having at least one opening for receiving at least one of the first and second ends of the affixing element so as to affix the first object to the backer/stabilizer when the first and second ends of the affixing element are coupled to each other, whereby this feature is not disclosed or suggest by the cited art of record. Also, the

releasably attachable/deattachable unit of claim 53 is not disclosed or suggested by the cited art of record.

Therefore, since there are no other objections or rejections in the Office Action to be addressed, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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